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FILING DATE

FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

CONFIRMATION NO.

09/508,997

06/27/2000

**TOSHIO MIYATA** 

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7590

09/25/2002

KARL BOZICEVIC **BOZICEVIC FIELD & FRANCIS** 200 MIDDLEFIELD ROAD **SUITE 200** MENLO PARK, CA 94025

**EXAMINER** 

TURNER, SHARON L

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 09/25/2002

10

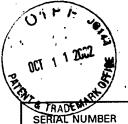
Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER FILING DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO.

EXA	MINER
ART UNIT	PAPER NUMBER

#### Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Turner whose telephone number is (703) 308-0056. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Gary Kunz whose telephone number is (703) 308-4623. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

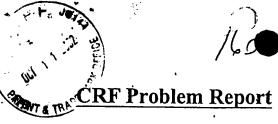
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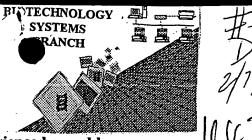
# NOTICE TO COMPLY WITH EQUIREMENTS FOR PATENT APPLICATIONS CONTAINING RECLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE SCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which we Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

X	•	This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
	<b>2</b> . ·	This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
	3.	A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
]		A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
X		The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
	6.	The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).  RECEIVED
	7.	Other: 0CT 1 6 2002
Аp	pli	icant Must Provide: TECH CENTER 1600/29
X		n initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
	A	in initial or <u>substitute</u> paper copy of the "Sequence Listing", as well as an amendment directing its entry ito the specification.
X	а	statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or .825(b) or 1.825(d).
Fc	or c	questions regarding compliance to these requirements, please contact:
Fo Fo	or I or ( ete	Rules Interpretation, call (703) 308-4216 CRF Submission Help, call (703) 308-4212 entin Software Program Support Technical Assistance
		PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY





The Scientific and Technical Information Center (STIC) experienced a problem TECH CENTER OS SOUS OBOO when processing the following computer readable form (CRF):

Application Serial Number: 09 Filing Date: Date Processed by STIC:

STIC Contact: Mark Spencer, 703-308-4212

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Nature of Problem:

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The C	CRF (was):
1110 9	old (was).
_ <i>J</i>	(circle one) (Damaged or Unreadable (for Unreadable, see attached)
	Blank (no files on CRF) (see attached)
	Empty file (filename present, but no bytes in file) (see attached)
	Virus-infected. Virus name: The STIC will not process the CRF
	Not saved in ASCII text
	Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should <b>only</b> be the Sequence Listing.
	Did not contain a Sequence Listing. (see attached sample) Other:

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http:/www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a>, EFS Submission User Manual - ePAVE)
- 2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
- 3. Hand Carry directly to:
  - U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name. Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
  - U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
- 4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002





### SEQUENCE LISTING

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Asn Ile Pro Ser Arg Gln Gly Asn Ser Ser Asn Asn Gln Pro Gly Leu Gln Tyr Gln Leu Lys Arg Val Leu Ala Asp Ile Asn Ser Ser His Lys Asp Tyr Glu Leu Ser Ile Ala Thr Gly Val Phe Ala Glu Lys Val Tyr Asp Phe His Lys Asn Tyr Ile Glu Cys Ala Glu Asn Leu Tyr Asn Ala Lys Val Glu Arg Val Asp Phe Thr Asn Asp Val Gln Asp Thr Arg Phe Lys Ile Asn Lys Trp Ile Glu Asn Glu Thr His Gly Lys Ile Lys Lys 135 Val Leu Gly Asp Ser Ser Leu Ser Ser Ser Ala Val Met Val Leu Val Asn Ala Val Tyr Phe Lys Gly Lys Trp Lys Ser Ala Phe Thr Lys Thr Asp Thr Leu Ser Cys Arg Phe Arg Ser Pro Thr Cys Pro Gly Lys Val Val Asn Met Met His Gln Glu Arg Arg Phe Asn Leu Ser Thr Ile Gln 200 Gln Pro Pro Met Gln Val Leu Glu Leu Gln Tyr His Gly Gly Ile Ser Met Tyr Ile Met Leu Pro Glu Asp Gly Leu Cys Glu Ile Glu Ser Lys 230 Leu Ser Phe Gln Asn Leu Met Asp Trp Thr Asn Arg Arg Lys Met Lys Ser Gln Tyr Val Asn Val Phe Leu Pro Gln Phe Lys Ile Glu Lys Asn 265 Tyr Glu Met Thr His His Leu Lys Ser Leu Gly Leu Lys Asp Ile Phe Asp Glu Ser Ser Ala Asp Leu Ser Gly Ile Ala Ser Gly Gly Arg Leu 295 Tyr Val Ser Lys Leu Met His Lys Ser Phe Ile Glu Val Ser Glu Glu 310 Gly Thr Glu Ala Thr Ala Ala Thr Glu Asn Asn Ile Val Glu Lys Gln 325 Leu Pro Glu Ser Thr Val Phe Arg Ala Asp Arg Pro Phe Leu Phe Val Ile Lys Lys Asn Asp Ile Ile Leu Phe Thr Gly Lys Val Ser Cys Pro 355 . 360 365

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